

COMPARATIVE ANALYSIS

PROPOSED NEW RULE 67.0.1 – ARCHITECTURAL COATINGS

Statutory Requirements

Prior to adopting, amending, or repealing a rule or regulation, California Health and Safety Code Section 40727 requires findings of necessity, authority, clarity, consistency, non-duplication, and reference, as defined therein. As part of the consistency finding and to ensure proposed rule requirements do not conflict with or contradict other Air Pollution Control District (District) or federal regulations, Health and Safety Code Section 40727.2(a) requires the District to perform a written analysis identifying and comparing the air pollution control standards and other provisions of proposed new Rule 67.0.1 with existing or proposed District rules and guidelines and existing federal rules, requirements, and guidelines applying to the same source category.

Analysis

Proposed new Rule 67.0.1 applies to manufacturers, suppliers, distributors, sellers and users of architectural coatings. The rule is based on the California Air Resources Board (CARB) 2007 Suggested Control Measure (SCM) for Architectural Coatings and has the same definitions, volatile organic compound (VOC) content limits, and other requirements of the SCM.

Comparison with existing District rules and regulations

There are no existing District source specific or other rules that contradict with proposed new Rule 67.0.1. Architectural coating operations are exempt from permitting requirements and therefore are not subject to the Best Available Control Technology (BACT) requirements of New Source Review.

Comparison with EPA National Architectural Coating Rule

National Volatile Organic Compound Emission Standards for Architectural Coatings (National Rule) was promulgated by the EPA and first published in the Federal Register in September 1998. The most significant difference between the National Rule and the new proposed Rule 67.0.1 is the applicability and VOC content limits of coatings.

The National Rule applies only to manufacturers and importers of architectural coatings as allowed by Section 183(e) of the Federal Clean Air Act. Rule 67.0.1 also applies to distributors, retailers and end users of coatings.

The VOC content limits for the majority of coatings are significantly less stringent in the National Rule than in Rule 67.0.1. For example, in the National Rule, the VOC content limits for the most common coatings – flat, non-flat and industrial maintenance coatings – are respectively 250, 380, and 450 g/liter, less water and exempt compounds. In proposed Rule 67.0.1 these limits are significantly more stringent – 50, 100 and 250 g/liter, less water and exempt compounds, respectively.

Furthermore, the National Rule has 30 additional coating categories that are not included in the SCM, and consequently are not present in proposed Rule 67.0.1. CARB has analyzed these categories and concluded that it was not necessary to incorporate them into the SCM. These coatings may be substituted by other coatings with lower VOC content that have similar properties to ensure the satisfactory quality of the painted surface.